

Doc Code: AP.PRE.REQ

FEB 21 2006

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

450100-03286

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on February 16, 2006

Signature

Typed or printed
name

Paul A. Levy

Application Number

09/880,301

Filed

June 16, 2001

First Named Inventor

Satoru Maeda et al.

Art Unit

2614

Examiner

Michael R. Shannon

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 45,748

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

Signature

Paul A. Levy

Typed or printed name

(212) 588-0800

Telephone number

February 16, 2006

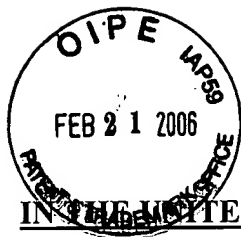
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
450100-03286

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Satoru MAEDA et al.
Serial No.: 09/880,301
Filed: June 13, 2001
For: TELEVISION RECEPTION SYSTEM, CHANNEL
SELECTION APPARATUS AND DISPLAY
APPARATUS
Examiner: Michael R. Shannon
Art Unit: 2614
Confirmation No.: 5547

745 Fifth Avenue
New York, NY 10151

<p><u>FIRST CLASS MAIL</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1451, on February 16, 2006. Paul A. Levy, Reg. No. 45,748</p> <p>_____ Name of Applicant, Assignee or Registered Representative</p> <p>_____ Signature February 16, 2006</p> <p>_____ Date of Signature</p>
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1451

Sir:

Applicant requests a Pre-Appeal Brief Conference for review of the Final Rejection dated November 16, 2005 in the above-captioned application, in accordance with the July 12, 2005 Notice in the USPTO Official Gazette. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

I. REASONS FOR REQUEST

Applicants request a Pre-Appeal Brief Conference to review the rejection of claims 1-12 and 19-22 under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,708,961 to Hylton et al. (hereinafter merely “Hylton”).

II. FACTUAL BASIS

Independent claims 1 and 7 were amended in Applicant’s August 29, 2005 reply to the Office Action dated June 1, 2005. Claims 19-22 were added in the same amendment. Claim 19 is representative:

“19. A television reception system, comprising:

a channel selection apparatus to receive broadcasting signals and select one or more broadcasting programs therefrom, the channel selection apparatus comprising:

an antenna to transmit the selected broadcasting programs to one or more display apparatus and to receive transmission information from the display apparatus; and

a multicoupler coupled to the antenna to permit transmitting of the selected broadcasting programs and receiving of the transmission information at different frequencies on the same antenna, either alone or simultaneously and without interfering with one another.” (emphasis added)

The highlighted element was added to independent claims 1 and 7, as well.

III. ARGUMENTS

The §102 Rejection Should be Withdrawn Because the Cited Reference Does Not Disclose Each and Every Element Recited in the Claims

“For a prior art reference to anticipate in terms 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference. . . . These elements must be arranged as in the claim under review, . . . but this is not an *ipsissimus verbis* test . . .” (*In re Bond*, 910 F.2d 831 (Fed. Cir. 1990) (emphasis added, citations and internal quotations omitted). “A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim.” *Rowe v. Dror*, 112 F.3d 473 (Fed. Cir. 1997) (emphasis added). Thus, the test for anticipation under §102 is an element-by-element analysis.

Claim 19 of the application, in its present form, recites a “multicoupler” element. Applicants contend that a “multicoupler” element is not disclosed in the Hylton reference cited in the Office Action. The following analysis overlays the present invention with the Hylton reference to show that the multicoupler element recited in claim 19 is missing from the Hylton reference.

The Office Action refers to Hylton FIG. 1. Hylton discloses, in relevant part, program selection signal streams provided to a multiplexer (15). The multiplexer (15) supplies the multiplexed signal streams to a modulator (17) that, in turn, provides the modulated signals directly to an antenna (27). Col. 6, lines 18-22.

In contrast, as described in the present application and shown in, for example, FIG. 17, transmission signals from the transmission signal formation sections (36a, 36b, 36c) are provided to a multiplexing section (70). The output of the multiplexing section (70) is provided to a

transmission processing section (37S) that modulates the transmission signals, that, in turn, provides the modulated signals through a multicoupler (37K) to an antenna (38). *See, for example*, FIG. 17 and pars. [0206]-[229], [0233]. Claim 19 recites, “a multicoupler coupled to the antenna” as shown and described in the specification.

The advantages of using a multicoupler are discussed throughout the specification. *See, for example*, pars. [0071]-[0073].

Thus, independent claim 19 recites an element not disclosed in Hylton. Claim 19 is patentable over the cited reference because that reference does not disclose each and every limitation recited in the claim. In particular, Hylton does not disclose, “a multicoupler coupled to the antenna” as recited in the claim.

Independent claims 1 and 7 are not anticipated by Hylton for substantially the same reasons. Dependent claims 2-6, 9-12 and 20-22 depend from one of claims 1, 7 and 22 and should also be allowable for at least the same reasons.

In view of the foregoing remarks and arguments, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 

Paul A. Levy
Reg. No. 45,748
(212) 588-0800